

**FILED**  
UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

MAR 14 2005

MATTHEW J. BYRMAN  
CLERK

IN THE MATTER OF )  
 )  
THE EXTRADITION OF )  
 )  
ISAIAS MEZA MARTINEZ )

Misc. No. 04-5533

**SUPERSEDING MEMORANDUM OPINION AND ORDER ON EXTRADITION**

THIS MATTER comes before the Court pursuant to the Complaint [Docket No. 1] seeking the extradition of Isaias Meza Martinez ("Mr. Meza Martinez") from the United States to the Government of the Republic of Mexico.

**FACTUAL BACKGROUND**

Mr. Meza Martinez, the Relator in this matter, is a U.S. citizen residing in the United States. He has been charged in Mexico with the crime of sexual abuse of a child in violation of Article 246 of the Penal Code of the State of Chihuahua, Mexico. Mr. Meza Martinez's alleged conduct occurred in 2002. On June 18, 2002, Mr. Meza Martinez was alleged to have gone to the family home of Christian Iveth Arellano Ruiz, a child, in Chihuahua, Mexico and sexually abused Ms. Ruiz. Ms. Ruiz further alleges that this conduct had been ongoing for a period of three years.

**PROCEDURAL BACKGROUND**

An arrest warrant for Mr. Meza Martinez was issued on March 14, 2003 by the Fifth Judge of Criminal Matter of the Judicial District of Morelos, Chihuahua, Mexico. On July 16, 2004, the Mexican authorities submitted a request of provisional arrest for extradition purposes to the United States. The Complaint in this matter was filed on August 19, 2004

by Assistant United States Attorney, Luis A. Martinez, acting for and on behalf of the Government of Mexico.

The Complaint filed on August 29, 2004 sought the arrest of Mr. Meza Martinez in order that he be brought before the Court for a determination of whether the legal requirements for extradition are met in accordance with 18 U.S.C. § 3184 such that he is subject to surrender. An arrest warrant was issued by this Court on August 20, 2004, and Mr. Meza Martinez was arrested pursuant to that warrant on August 25, 2004. A hearing on the matter was held on August 27, 2004.

On February 28, 2005 based on its findings of fact and conclusions of law, the Court certified Isaias Meza Martinez extraditable pursuant to The Extradition Treaty between the United States of America and the United Mexican States. The Court issued its opinion certifying Isaias Meza Martinez extraditable on the aforementioned date pursuant to its Memorandum Opinion And Order On Extradition. The Court ordered that Isaias Meza Martinez be committed to the custody of the United States Marshal, or his authorized representative, on March 7, 2005 at 9:00 a.m. at the United States Court House, 200 E. Griggs, N.M. 88001, to be confined in the appropriate facilities until he is surrendered to the government of Mexico in accordance with the applicable provisions of the extradition Treaty between the United States of America and the United Mexican States.

On March 4, 2005 Jo Mazurek Trial Attorney for the Office of International Affairs, United States Department of Justice in Washington D.C. was informed that the Attorney General's Office for the Mexican state of Chihuahua that the criminal case against Isaias Meza Martinez was dismissed based on the Chihuahuan Attorney General's determination that the statute of limitations on the offense for which Isaias Meza Martinez was sought

had expired . Further, Guillermo Fonseca Leal, Acting Legal Attache Attorney General's office of Mexico, in a correspondence dated March 7, 2004 [attatched] informed Jo Mizurek that on said date the Mexican embassy would submit a diplomatic note withdrawing the extradition request for Isaias Meza Martinez.

On March 7, 2005 a hearing was had before this Court at the United States District Court House in Las Cruces N.M. in which appeared Isaias Meza Martinez along with his Attorney Assistant Federal Public Defender Marc Robert. Appearing for the United Mexican States was Assistant United States Attorney Luis A. Martinez. On behalf of the Mexican Government, Assistant United States Attorney Luis A. Martinez asked this Court to withdraw and rescind it's February 28, 2005 Order certifying Isaias Meza Martinez extraditable. The United Mexican States, through their representative Assistant United States Attorney Luis A. Martinez, also requested that the Court's previous February 28, 2005 order committing Isaias Meza Martinez to the Custody of the United States Marshal, or his representative on March 7, 2005 be withdrawn.


### **CONCLUSION**

IT IS THEREFORE ORDERED that the Court's previous February 28, 2005 order certifying Isaias Meza Martinez extraditable be rescinded and withdrawn. The Court finds Isaias Meza Martinez is not subject to the Extradition Treaty between the United Mexican States and the United States of America at this time.

IT IS FURTHER ORDERED that the Court's previous February 28, 2005 order committing Isaias Meza Martinez to the custody of the United States Marshal, or his representative, on March 7, 2005 at 9:00 a.m. at the United States Court House, 200 E. Griggs, N.M. 8801, to be confined in the appropriate facilities until he is surrendered to the

government of Mexico in accordance with the applicable provisions of the extradition treaty between the United States of America and the United Mexican States is hereby rescinded and withdrawn.

IT IS FURTHER ORDERED that Isaias Meza Martinez, any co-surety, third party custodian, or any other obligor, in relation to the September 3, 2004 Court ordered fifty-thousand dollar bond secured by property, be relieved of any further obligation in relation to said bond. This Court orders all encumbrments on any property as a result of said bond be relieved, and that Isaias Meza Martinez is no longer subject to Court Ordered Home Detention.

  
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LESLIE C. SMITH  
UNITED STATES MAGISTRATE JUDGE

SUBMITTED BY:

  
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LUIS A. MARTINEZ  
Assistant United States Attorney

APPROVED TELEPHONICALLY:  
MARC H. ROBERT  
Assistant Federal Public Defender